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PO BOX 8910
Reston, VA 20195

EXAMINER

DESAI, RACHNA SINGH

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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11/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/315,621

Applicant(s)

RAJKUMAR, AJAY

Examiner

RACHNA S. DESAI

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendments and Remarks filed on 07/09/09.
2. Claims 1-22 are pending in the case. Claim 1, 16, and 19 are independent claims. Claims 21-22 are newly added claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-2, 8, 13-16, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimada et al., US 6,396,919 B1, 05/28/02 (filed 03/20/07).**

Regarding claim 1, Shimada disclose a method for linking a recorded telephone conversation to a file in the database which meets the preamble, ***a method for linking an audio file to a database***. See abstract and column 3, lines 24-32.

Shimada discloses registering information regarding a customer contacting a banking institution based on information obtained in a conversation with the customer over a telephone which meets the limitation, ***requesting a client to provide a client identifier during a communication with the client through a communication link, the client identifier corresponding with a financial record in a database***. See abstract, column 1, lines 19-44, column 2, lines 19-65, and column 3, lines 24-32. See also column 5, lines 61-65, column 8, lines 51-67 and columns 9-10.

Shimada discloses obtaining password information from a customer which meets the limitation, ***obtaining the client identifier from the client***. See abstract and columns 1-2, column 8, lines 51-67 and columns 9-10

Shimada discloses banking transactions can be performed over telephones. Once the customer meets the admission specifications based on the information supplied over the telephone, the information record concerning the customer can be accessed which meets the limitation, ***accessing the financial record in the database using the client identifier***. See abstract and columns 1-2, column 8, lines 51-67 and columns 9-10.

Shimada discloses interacting with the customer over the telephone and recording the transaction in the telephone conversation with the customer in a database which meets the limitation, ***interacting with the client in the communication through***

the communication link; recording, through the communication link, an audio interaction by the client in the communication in an audio file. See column 3, lines 24-32, columns 8-10 and general disclosure. See also column 13, lines 36-65.

Shimada disclose storing the conversation recording in a database server related with the customer which meets the limitation, ***storing the audio file on a recording media; and linking the audio file to the financial record.*** See column 3, lines 24-32, columns 8-10 and general disclosure. See also column 13, lines 36-65.

Regarding claim 2, Shimada discloses ***linking the audio file to the financial record comprises storing a pointer to the audio file in a field of the financial record.*** See column 13, lines 36-67 and figure 8 which depicts linking the audio file to the financial record.

Regarding claim 8, Shimada discloses ***accessing a field in the record, the field having a pointer to the audio file, wherein the pointer identifies a location where the audio file is stored on the recording media; and accessing the location on the recording media identified by the pointer.*** See figure 8 and column 13, lines 56-65.

Regarding claim 13, Shimada discloses interacting with the customer over the telephone and recording the transaction in the telephone conversation with the customer in a database which meets the limitation, ***the communication includes a***

telephone call; and the recording step comprises recording at least a portion of a conversation that takes place over the telephone call. See column 3, lines 24-32, columns 8-10 and general disclosure. See also column 13, lines 36-65.

Regarding claim 14, Shimada discloses ***recording, storing, and linking steps are performed responsive to the communication dealing with a predefined criteria.*** See abstract, columns 1-2 and 8-10 where Shimada discloses the communication is only recorded, stored, and linked based on the customer supply proper accessing information.

Regarding claim 15, Shimada discloses ***the communication comprises a telephone call initiated by a client.*** See columns 1-2 where a user contacts a banking institution.

Regarding claim 16, claim 16 is rejected under the same rationale used in claim 1 above.

Regarding claim 18, claim 18 is rejected under the same rationale used in claim 8 above.

Regarding claim 19, Shimada disclose a database comprising a plurality of financial or banking institution records which meets the preamble and limitation, **a**

database system comprising a database containing a plurality of financial records. See abstract and columns 1-2.

Shimada teaches **a processor configured to identify an audio file which is linked to a financial record in the database, the audio file being stored on a recording media.** Shimada discloses banking transactions can be performed over telephones. Once the customer meets the admission specifications based on the information supplied over the telephone, the information record concerning the customer can be accessed including audio files linked to the record. See abstract and columns 1-2, column 8, lines 51-67 and columns 9-10.

Shimada discloses registering information regarding a customer contacting a banking institution based on information obtained in a conversation with the customer over a telephone and obtaining password information from a customer which meets the limitation, **the financial record being accessible using a client identifier provided by a client during a communication with the client through a communication link.** See abstract, column 1, lines 19-44, column 2, lines 19-65, and column 3, lines 24-32. See also column 5, lines 61-65, column 8, lines 51-67 and columns 9-10.

Shimada discloses interacting with the customer over the telephone and recording the transaction in the telephone conversation with the customer in a database which meets the limitation, **the audio file containing an audio portion of the communication by the client which is recorded through the communication link.** See column 3, lines 24-32, columns 8-10 and general disclosure. See also column 13, lines 36-65.

Regarding claim 20, claim 20 is rejected under the same rationale used in claim 8 above.

Regarding claim 21, claim 21 is rejected under the same rationale used in claim 14 above.

Regarding claim 22, Shimada teaches the communication is only recorded, stored, and linked based on the customer supplying proper accessing information associated with an account which meets the limitation, ***wherein the criterion includes at least one of particular records, particular accounts, and an amount of money exceeding a particular amount.*** See abstract, columns 1-2 and 8-10.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US 6,396,919 B1, 05/28/02 (filed 03/20/07), as applied to claim 1 above, and further in view of DeMartin et al., US Patent 6,226,672, 5/1/01 (filed**

5/2/97) and Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96).

In reference to claim 3, Shimada does not expressly teach storing the audio file in an analog format, digitizing the audio file and storing the digitized audio file with a pointer in a the field of the financial record.

Dockes does not disclose storing the audio file in an analog format on an analog recording media; however, DeMartin teaches a database storing information for songs recorded on various data storage media (analog or digital) which meets the limitation, ***storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media***. See column 3, lines 45-59.

It would have been obvious to one of ordinary skill in the art at the time the invention was made store an audio file in analog format on an analog recording media as disclosed by DeMartin within Shimada's system of linking an audio file in a database because storing audio in analog form was known in the art and a person of ordinary skill in the art could have combined the teachings of Shimada and DeMartin with a reasonable expectation of success.

Shimada/DeMartin do not teach digitizing the audio file.

Dockes teach a means of linking the audio data in digital format. Dockes teaches a means of linking the audio data in digital format which meets the limitation, ***digitizing the audio file***. See column 2, lines 42-60 and column 5, lines 1-6. Dockes discloses ***storing the audio file in a digital recording media***. See column 2, lines 53-

60. Once digitized, the audio file is stored on a recording media (such as CD) and is linked to a record in the database using a pointer which meets the limitation, ***storing a pointer to the digitized audio file in a field of record***. See column 2, lines 42-60 and column 5, lines 1-6.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include Docke's digital audio format as a means for recording the audio file in the system of Shimada since it was common to provide information in digital format in a computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file in a digital format within the system of Shimada because it provides a means for long-term storage of an audio file.

In reference to claim 4, Shimada does not expressly teach storing the audio file in an analog format, digitizing the audio file and storing the digitized audio file with a pointer in a the field of the financial record.

Dockes does not disclose storing the audio file in an analog format on an analog recording media; however, DeMartin teaches a database storing information for songs recorded on various data storage media (analog or digital) which meets the limitation, ***storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media***. See column 3, lines 45-59.

It would have been obvious to one of ordinary skill in the art at the time the invention was made store an audio file in analog format on an analog recording media

as disclosed by DeMartin within Shimada's system of linking an audio file in a database because storing audio in analog form was known in the art and a person of ordinary skill in the art could have combined the teachings of Shimada and DeMartin with a reasonable expectation of success.

Shimada/DeMartin do not teach digitizing the audio file.

Dockes teach a means of linking the audio data in digital format. Dockes teaches a means of linking the audio data in digital format which meets the limitation, ***digitizing the audio file***. See column 2, lines 42-60 and column 5, lines 1-6. Dockes discloses ***storing the digitized audio file in a field of the financial record***. See column 2, lines 53-60. Once digitized, the audio file is stored on a recording media (such as CD) and is linked to a record in the database using a pointer. See column 2, lines 42-60 and column 5, lines 1-6.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include Docke's digital audio format as a means for recording the audio file in the system of Shimada since it was common to provide information in digital format in a computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file in a digital format within the system of Shimada because it provides a means for long-term storage of an audio file.

7. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US 6,396,919 B1, 05/28/02 (filed 03/20/07), as applied to claim

1 above, and further in view of Kelly et al., US Patent 6,047,292, 4/4/00 (filed 9/12/96).

In reference to claim 5, Shimada does not expressly teach storing the audio file on tape. Kelly teaches that it was common in the art at the time of the invention to **store data on a cassette tape**; however, with the storage capacity that a CD provides, the recording media is being shifted to that of CD-R. See column 1. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tape as a recording media file since it was well known at the time to store audio data on a tape for long-term storage means.

In reference to claim 10, Shimada does not expressly teach storing the audio file on tape. Kelly teaches that it was common in the art at the time of the invention to **store data on a cassette tape**; however, with the storage capacity that a CD provides, the recording media is being shifted to that of CD-R. See column 1. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tape as a recording media file since it was well known at the time to store audio data on a tape for long-term storage means.

8. Claims 6, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US 6,396,919 B1, 05/28/02 (filed 03/20/07), as

applied to claim 1 above, and further in view of Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96).

In reference to claim 6, Shimada does not expressly teach storing the audio file on a recording media wherein the media is a CD-R. However, Dockes discloses ***storing the audio file on a blank CD-R***. See column 2, lines 53-60. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file on a CD-R in the system of Shimada because it provides a means for long-term storage of an audio file.

Regarding claim 9, Shimada does not expressly disclose the audio file is a digital audio file. Dockes teach a means of linking the audio data in digital format. Dockes teaches a means of linking the audio data in digital format which meets the limitation, ***the audio file is a digital audio file***. See column 2, lines 42-60 and column 5, lines 1-6. See column 2, lines 53-60. Once digitized, the audio file is stored on a recording media (such as CD) and is linked to a record in the database using a pointer. See column 2, lines 42-60 and column 5, lines 1-6.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include Docke's digital audio format as a means for recording the audio file in the system of Shimada since it was common to provide information in digital format in a computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file in a digital format

within the system of Shimada because it provides a means for long-term storage of an audio file.

In reference to claim 11, Shimada does not expressly teach storing the audio file on a recording media wherein the media is a CD-R. However, Dockes discloses ***storing the audio file on a blank CD-R***. See column 2, lines 53-60. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file on a CD-R in the system of Shimada because it provides a means for long-term storage of an audio file.

9. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US 6,396,919 B1, 05/28/02 (filed 03/20/07), as applied to claim 1 above, and further in view of Akagiri, US Patent 5,491,481, 2/13/96.

In reference to claim 7, Shimada does not disclose storing the audio file on semiconductor memory; however, Akagiri teaches that ***semiconductor memories are used as recording media***. See column 1, lines 61-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Akagiri's disclosure of a semiconductor memory recording device in the system of Shimada since semiconductor memory allows for additional compression which would be useful in recording audio.

Regarding claim 12, Shimada does not disclose storing the audio file on semiconductor memory; however, Akagiri teaches that ***semiconductor memories are used as recording media***. See column 1, lines 61-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Akagiri's disclosure of a semiconductor memory recording device in the system of Shimada since semiconductor memory allows for additional compression which would be useful in recording audio.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US 6,396,919 B1, 05/28/02 (filed 03/20/07), as applied to claim 1 above, and further in view of Cannon et al., US 6,430,270 B1, 08/06/02 (filed 10/29/98).

Regarding claim 17, Shimada does not disclose ***storing the date on which the audio file was recorded as part of the audio file***; however, Cannon discloses associating the time or date with a recorded telephone conversation. See column 3, lines 50-56. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have provided the date of the recorded conversation, as suggested by Cannon, within Shimada's system which stores recorded conversations because it allows for easy retrieval of a previous conversation based on the date. Further, it would have been obvious to person of ordinary skill in the art at the time of

the invention to have applied a known method of associating a date with a recorded conversation within the system of Shimada with a reasonable expectation of success.

Response to Arguments

11. Applicant's amendments and arguments with respect to claims 1-22 have been fully considered. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection presented above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHNA S. DESAI whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rachna S Desai/
Primary Examiner, Art Unit 2176
11/09/09